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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,703	03/18/2004	Virgil Dean Haverdink	16319-US	6046
30689	7590	01/12/2006		
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			EXAMINER GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/803,703

**Applicant(s)**

HAVERDINK ET AL.

**Examiner**

Charles N. Greenhut

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/18/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**I. Claim Objections**

1. Claim 3 is objected to because, "supporting knife structure" in line 2 should read, -a supporting knife structure-.
2. Claim 9 is objected to because, "supporting wrap removal structure" in line 3 should read, - supporting a wrap removal structure-.
3. Claim 10 is objected to because, "supporting cutting structure" in line 2 should read, - supporting the cutting structure-.
4. Claim 11 and 21 are objected to because "Cotton handling structure" in line 1 should read, -a cotton handling structure-.
5. Claim 14 is objected to because "wherein receiver" in line 1 should read, -wherein the receiver-.

**II. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over DEUTSCH (US 6,591,743 B2).

1.1. With respect to claim 1, DEUTSCH discusses that it is known in the art to transport a cotton bale having a protective wrap to a gin for processing (Col. 1-2). It would have been obvious to one of ordinary skill in the art to position the bale adjacent a receiver,

separate the wrap and transfer the cotton into the gin via the receiver in order to process the cotton.

2. Claim(s) 2-7, 9-16, and 18-28 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over DEUTSCH in view of LAMBERT (US 3,853,235 A).

2.1. With respect to claims 2-6, and 9-10 DEUTSCH fails to disclose an opening method.

LAMBERT teaches an opening method including severing with a knife structure (24)/(24'), in the bale's path (Fig. 1-2), tensioning the wrap (e.g., via 10, 20 or 30), engaging the knife with the wrap (Fig. 4), moving the wrapped bale over the knife (Fig. 1-2) toward a position over the receptacle (8), via a conveyor (6), capturing the protective wrap (4e) via wrap support (10)/(22). It would have been obvious to one of ordinary skill in the art to open the wrapped bales of cotton of DEUTSCH using the method of LAMBERT in order to facilitate separate processing of the package and its contents.

2.2. With respect to claim 7, LAMBERT additionally discloses using differential air pressure to capture the wrap (Col. 7 Li. 2). It would have been obvious to one of ordinary skill in the art to open the wrapped bales of cotton of DEUTSCH using the method of LAMBERT in order to facilitate separate processing of the package and its contents.

2.3. With respect to claims 11-16, and 18-20 DEUTSCH discloses a cotton bale having a protective wrap to a gin for processing (Col. 1-2). DEUTSCH fails to disclose a conveying structure, a separating structure a wrap engaging structure. LAMBERT discloses a conveying structure including a conveyor (6), a separating structure

including a cutter/knife (24)/(24') adjacent the receiver inlet in the bale's path (Figs. 1-2), a wrap support including an elongated member (42)/(42') and a wrap processing structure (at 4e). It would have been obvious to one of ordinary skill in the art to open the wrapped bales of cotton of DEUTSCH using the apparatus of LAMBERT in order to facilitate separate processing of the package and its contents.

2.4. With respect to claims 21-28, DEUTSCH discloses a cotton bale having a protective wrap to a gin for processing (Col. 1-2). DEUTSCH fails to disclose a conveying structure, a separating structure a wrap engaging structure. LAMBERT discloses a conveyor (6), bale handler (10)/(20), with spreadable supports (Fig. 9-10), cutter (24)/(24'), vacuum (Col. 7 Li. 2), retractable wrap engaging means (Figs. 9-10) having an elongated member (44)/(44').

3. Claim(s) 8 and 17 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over DEUTSCH in view of LAMBERT and further in view of LANDE (US 5,282,713 A).

3.1. With respect to claim 8 and 17, DEUTSCH fails to teach an air duct. LANDE teaches an air duct (Col. 7 Li 27 et seq.). It would have been obvious to one of ordinary skill in the art to modify DEUTSCH in view of LAMBERT with the duct of LANDE in order to facilitate separate processing of the package and its contents. LAMBERT discloses a

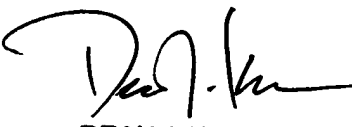
### **III. Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG

 1/9/06  
DEAN J. KRAMER  
PRIMARY EXAMINER